Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
)	
Implementation of the Child Safe Viewing Act;)	
Examination of Parental Control Technologies for)	MB Docket No. 09-26
Video or Audio Programming)	

To: The Commission

Comments of CustomPlay, LLC

CustomPlay, LLC ("CustomPlay"), by counsel, hereby submits, in pdf format, the attached presentation titled "CustomPlay Content Customization" in response to the Notice of Inquiry (the "Notice") released March 2, 2009 and implementing the Child Safe Viewing Act of 2007 adopted December 2, 2008. The Notice relates to the Commission's examination of "the existence and availability of advanced blocking technologies that are compatible with various communications devices or platforms."

Convention motion pictures provide for a single linear presentation of content. CustomPlay's content customization utilizes the capabilities of random access technologies, such as DVD players and video-on-demand services, to selectively play, skip, or mute portions of a motion picture. Information provided by a source other than the motion picture identifies the content of segments in the motion picture. The information enables a random access device to customize, in real time, the presentation of a motion picture. The customization is responsive to a viewer's content preference for a level of explicitness (None, Implied, Explicit, and Graphic), in fourteen separate content categories of possibly objectionable content (Bigotry, Blasphemy, Bloodshed, Bodily Functions, Dishonor Flag, Dishonor Parent, Hideous, Mature Subjects, Nudity, Sex, Substance Abuse, Violence, Violence To Animals, and Vulgar Words). CustomPlay provides viewers with an unparalleled level of customization of their viewing experience.

CustomPlay's content customization provides a significant public service that is consistent with the U.S. Government's interest in the implementation of advanced parental control technologies. The implementation of CustomPlay's content customization does not violate copyrights and is protected under the Family Entertainment and Copyright Act of 2005, which provides that making imperceptible limited portions of a video does not violate copyrights. Content customization as implemented by CustomPlay is consistent with and furthers the purpose of the Child Safe Viewing Act of 2007.

CustomPlay's content customization features are the subject of detailed written specifications, advanced motion picture software applications, and numerous issued U.S. patents.

Managers of CustomPlay would be pleased to meet with members of the Commission and its staff to provide a demonstration and/or reply to any request for additional information.

Dated: April 16, 2009 Respectfully submitted,

s/John C. Carey

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Submitted by CustomPlay, LLC to the Federal Communication Commission in connection with the Notice Of Inquiry of March 2, 2009, Docket No. 09-26 captioned "Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming"

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Abstract

Conventionally a motion picture provides for a single linear presentation of its content.

CustomPlay's content customization utilizes the capabilities of random access technologies, such as DVD players and video-on-demand services, to selectively play, skip, or mute portions of a motion picture.

Information provided by a source other than the motion picture identifies the content of segments in the motion picture. The information enables a random access device to customize, in real time, the presentation of a motion picture. The customization is responsive to a viewer's content preference for a level of explicitness (None, Implied, Explicit, and Graphic), in fourteen separate content categories of possibly objectionable content (Bigotry, Blasphemy, Bloodshed, Bodily Functions, Dishonor Flag, Dishonor Parent, Hideous, Mature Subjects, Nudity, Sex, Substance Abuse, Violence, Violence To Animals, and Vulgar Words). CustomPlay provides viewers with an unparalleled level of customization of their viewing experience.

CustomPlay's content customization provides a significant public service that is consistent with the U.S. Government's interest in the implementation of advanced parental control technologies. The implementation of CustomPlay's content customization does not violate copyrights and is protected by the Family Entertainment and Copyright Act of 2005. The act established that making imperceptible limited portions of a video do not violate copyrights. Content Customization is consistent with the purpose of the Child Safe Viewing Act of 2007.

CustomPlay's content customization is the industry's most advanced, effective and low-cost service for objectionable content control.



Random access devices, such as DVD players, are capable of selectively playing, skipping, or muting portions of a video.

Rand	om access devices include:
	DVD Players
	Blu-ray Players
	Game Players
	Set-top Boxes
	Digital Video Recorders
	PCs
	Video Servers

A CustomPlay map is a small file that is external to a video and that contains information that identifies the content of segments within that video. A map enables a random access device to selectively play, skip, or mute portions of the video.





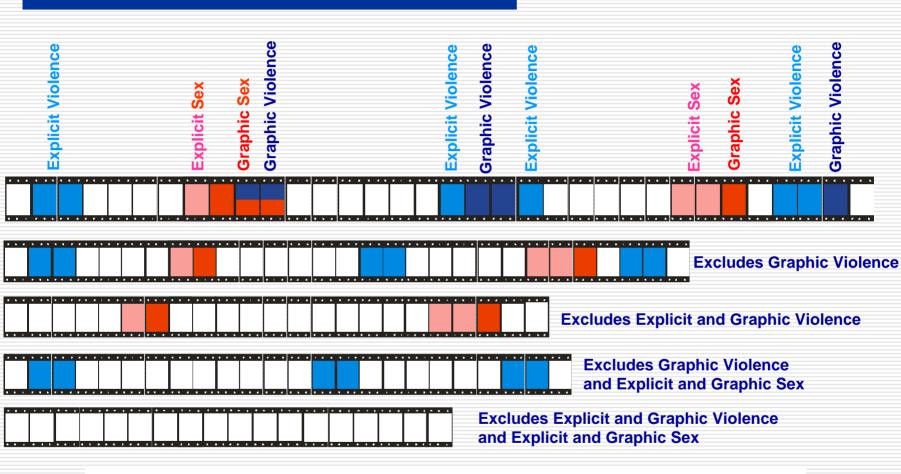
A CustomPlay enhanced video player reads an identifier from the video and requests a corresponding map from the CustomPlay map server. The map provides the player the information to customize, in real-time, the playback of the video.



					Explicit Sex	Graphic Sex	Graphic Violence					Explicit Violence								; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;	EAPIICIL OGA	Graphic Sex		בי מ	Graphic Violence	
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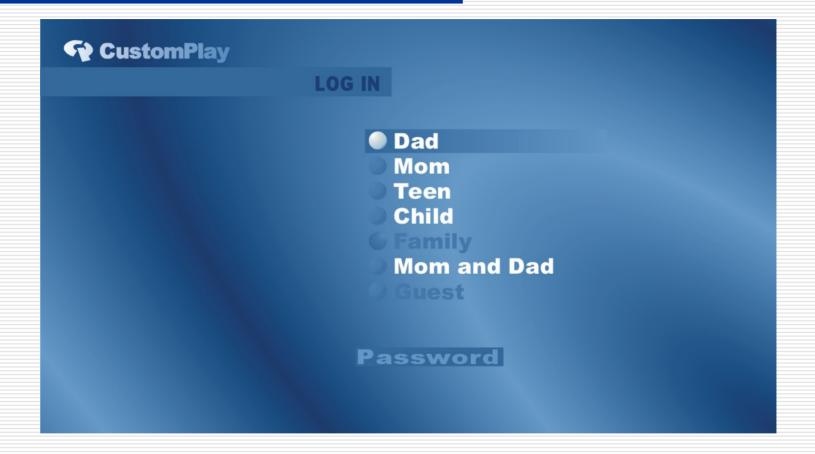
A CustomPlay map identifies the beginning and ending of segments of a video that contain potentially objectionable content and associates descriptors corresponding to a category and level of explicitness.





A random access device applies a viewer's preferences to the map and plays, from within the video, a presentation that skips content the viewer would have deemed objectionable.





CustomPlay's user interface provides the option to establish password protected content preferences for each member of a household.





CustomPlay's user interface enables a viewer to establish preferences for the level of explicitness in each of fourteen categories of possibly objectionable content.





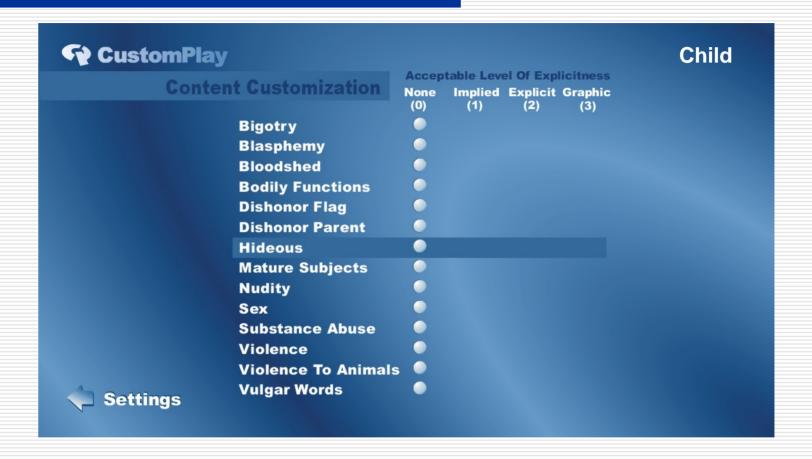
14 categories at 4 levels of explicitness enable over 268 million content customization combinations.





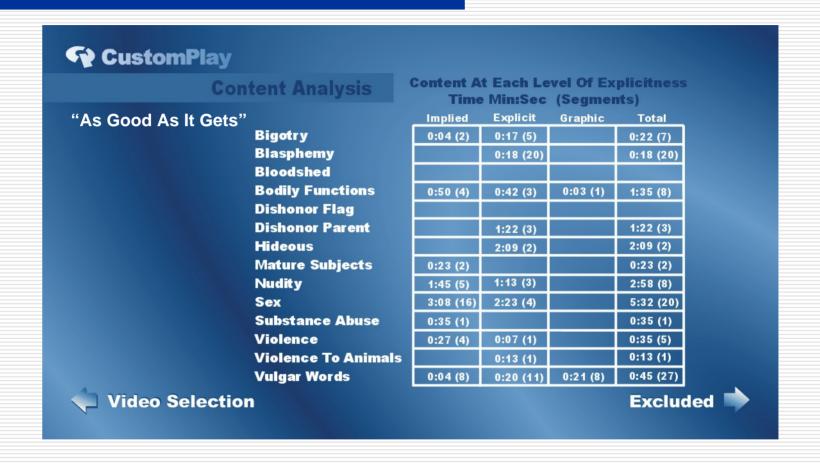
CustomPlay's user interface enables a parent to restrict the options for the levels of explicitness available to a child. This feature enables a young person to learn about content customization.





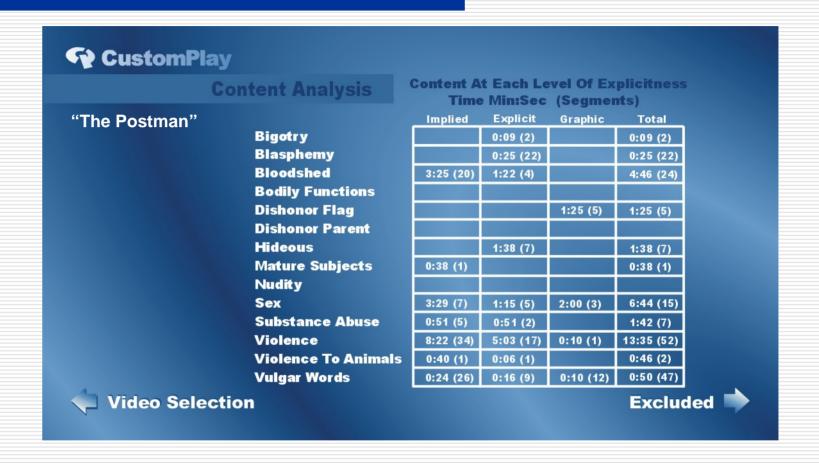
In the case of a young child, a parent may elect to exclude all objectionable content in each category.





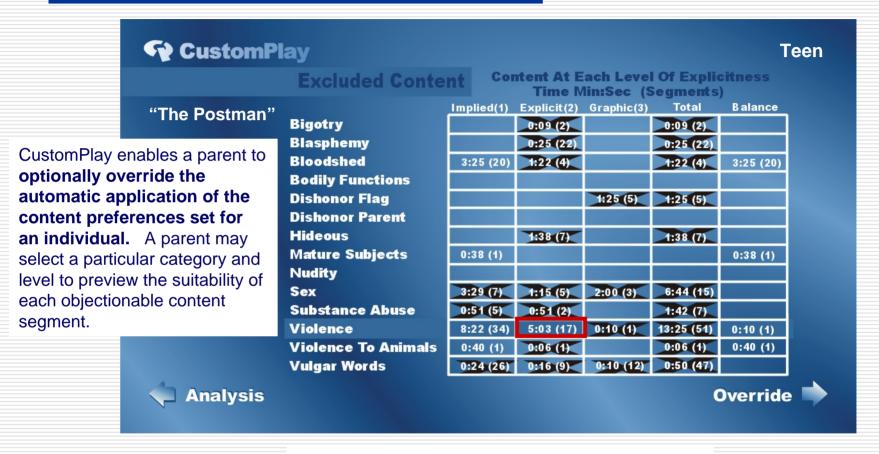
CustomPlay's user interface enables a viewer to obtain a detailed analysis of the time and number of segments by category/level of potentially objectionable content in a video.





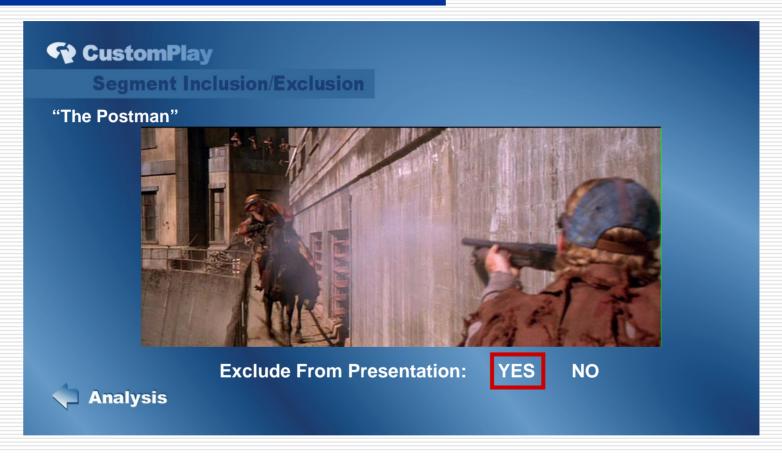
CustomPlay's detailed objectionable content analysis facilitates selection of a video and customization of the video.





CustomPlay's interface provides a viewer a detailed analysis of the excluded/non-excluded objectionable content based on the viewer's content preferences.

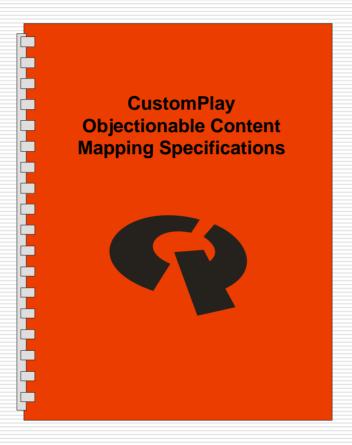




CustomPlay's user interface provides the option to override the automatic application of the preferences for the level of explicitness. A parent can sequentially view the individual segments in the selected category/level and efficiently determine the suitability of the inclusion/exclusion of a particular segment.



Mapping Specifications



The mapping of objectionable content in a video is controlled by the CustomPlay Objectionable Content Mapping Specifications (the "OBJ Specs").



Mapping Specifications



The OBJ Specs comprises 100 pages of detailed definitions, rules, restrictions, and examples for mapping the contents of a video according to a level of explicitness (None, Implied, Explicit, and Graphic) in each of fourteen categories of possibly objectionable content.



Mapping Specifications

The primary reason that a viewer watches a motion picture released by the major studios is to be entertained.
A viewer is not entertained by viewing content the viewer would have deemed objectionable.
A viewer's preference for the exclusion of objectionable content overrides the potential significance of the excluded content.

Accordingly:

- A CustomPlay map identifies possibly objectionable content <u>irrespective of the context</u> or significance to the story.
- A CustomPlay map is intended to identify <u>all</u> of the possibly objectionable content as mandated by the OBJ Specs.
- A mapper is required to faithfully apply the OBJ Specs <u>irrespective of personal preferences or perceived essentiality</u> of the possibly objectionable content.
- A mapper is required to <u>consistently</u> apply the OBJ Specs across all motion pictures.

In the rare instances where a category/level may materially and adversely impact the entertainment value of the motion picture, an advisory is provided during video selection and prior to the presentation.



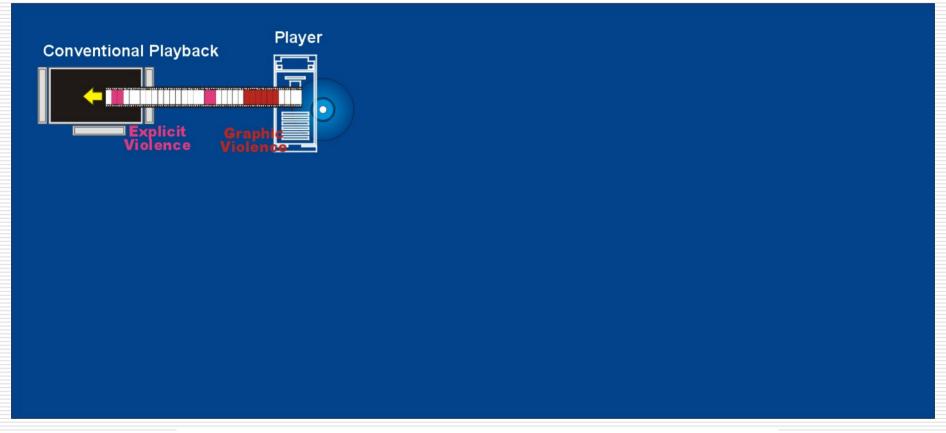




console, personal computer, notebook, and other devices capable of playing a DVD or Blu-ray.

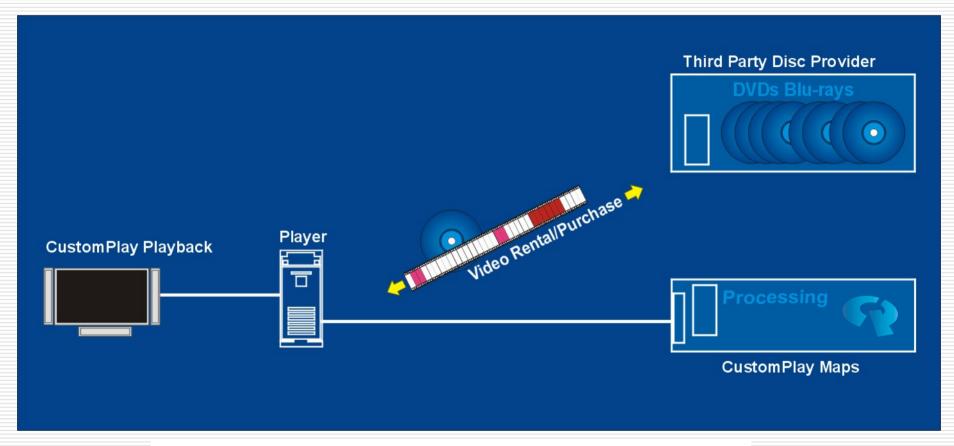
Conventionally a user purchases or rents a DVD or Blu-ray disc from a third party.





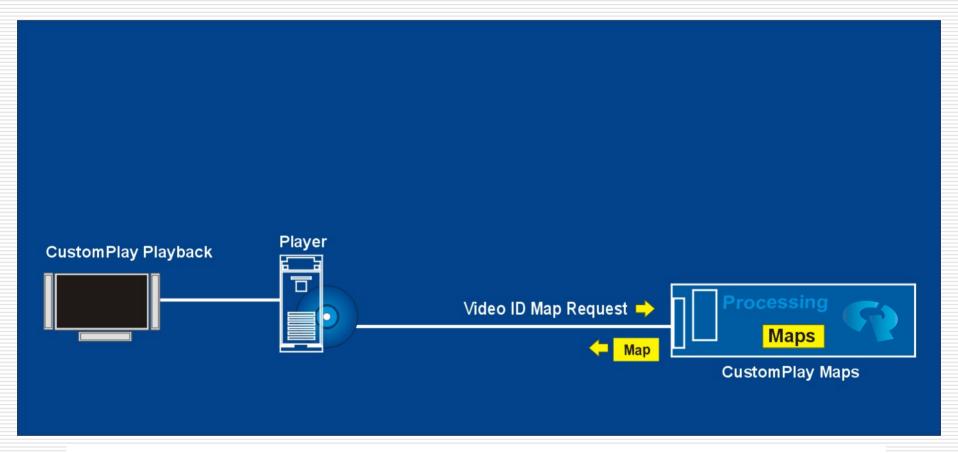
The optical disc is played in a conventional non-edited manner and depicts possibly objectionable content such as explicit and graphic violence.





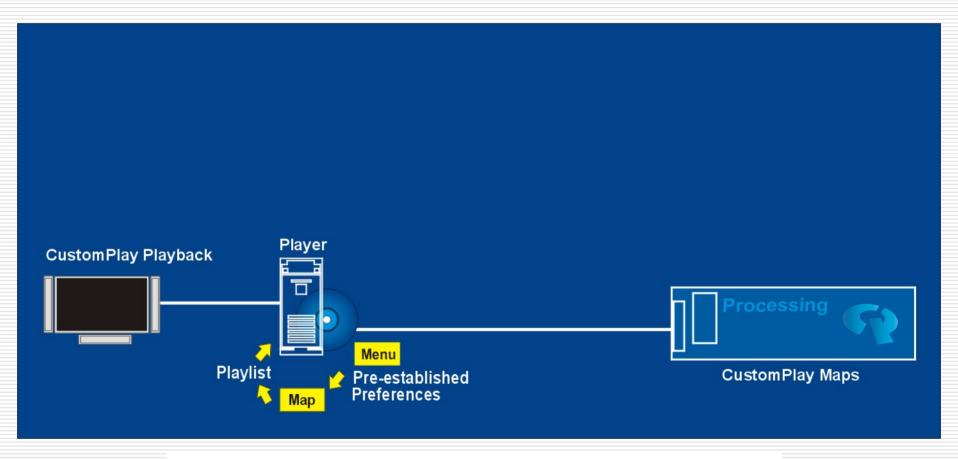
In a CustomPlay enhanced playback of an optical disc, the DVD or Blu-ray disc may be obtained from a third party provider in a conventional manner.





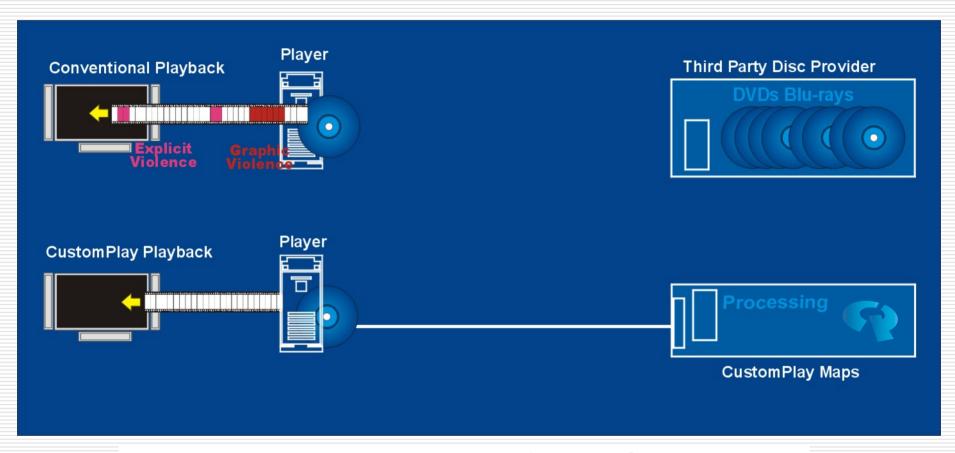
The player reads an identifier from the disc and requests a corresponding map from the CustomPlay map server. The map identifies possibly objectionable content in each of 14 categories.





The player applies a user's content preferences to the map of the video to play a presentation that is consistent with the user's content preferences.





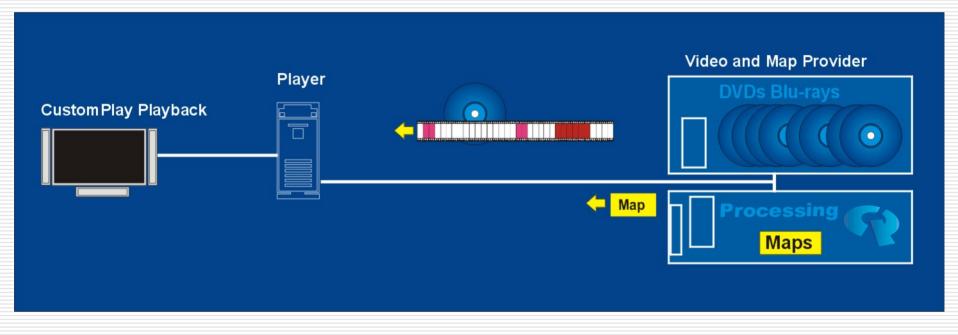
Unlike in a conventional non-customized playback of a disc, in a CustomPlay enhanced playback, the presentation skips content the viewer would deem objectionable.





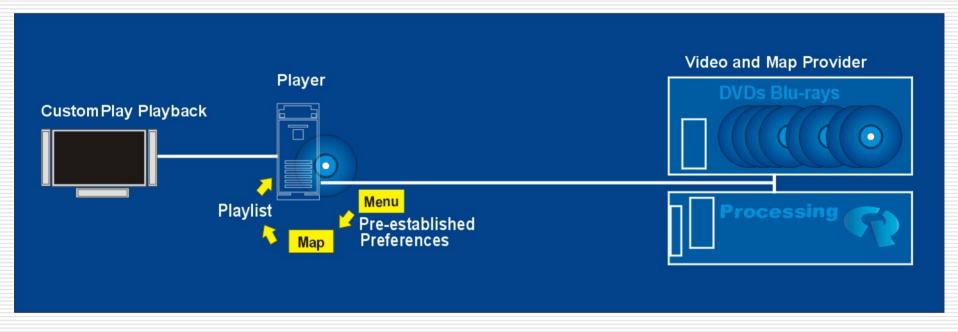
In an alternate implementation, a DVD or Blu-ray disc may be obtained directly as an electronic request by the player.





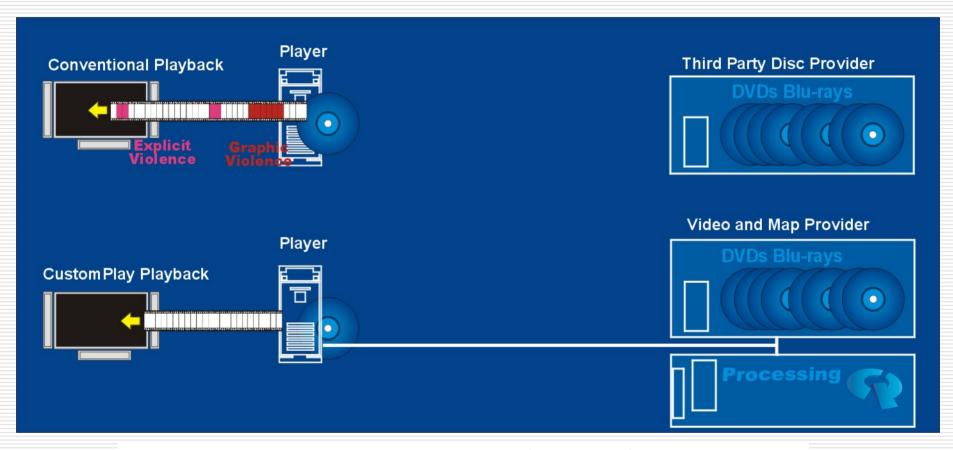
The DVD or Blu-ray disc is rented or purchased by the viewer, and the corresponding map is transmitted to the player.





The player applies a user's content preferences to the map of the video to play a presentation that is consistent with the user's content preferences.





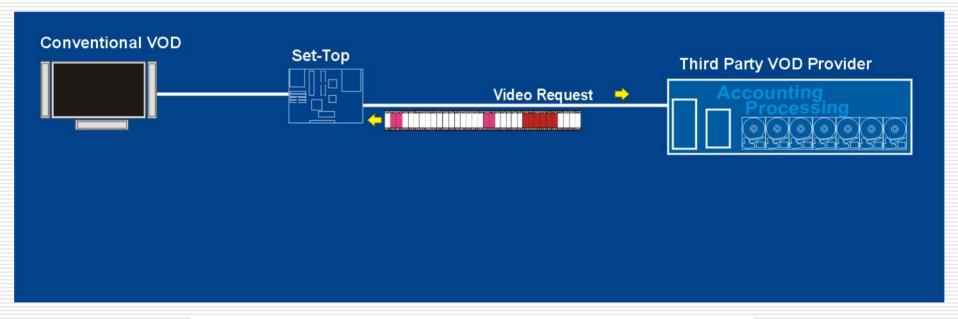
Unlike in a conventional non-customized playback of a disc, in a CustomPlay enhanced playback, the presentation skips content the viewer would deem objectionable.





Video On Demand Implementations

Video-On-Demand Implementations

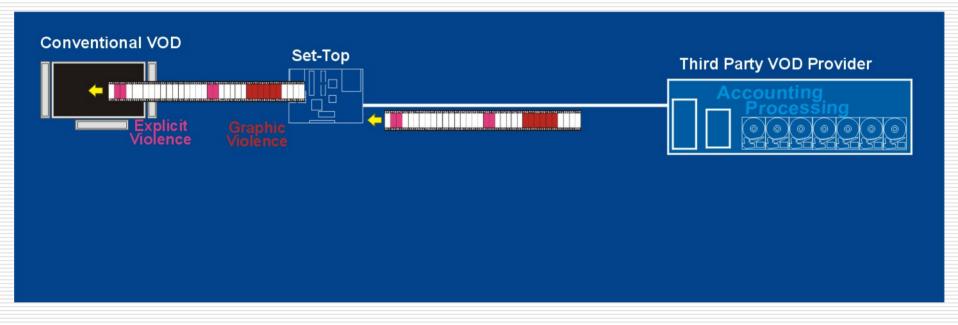


Video-on-demand comprises VOD, DVR, streaming, and downloading.

In a conventional video-on-demand configuration, a user request for a video is communicated to the VOD provider for video transmission.



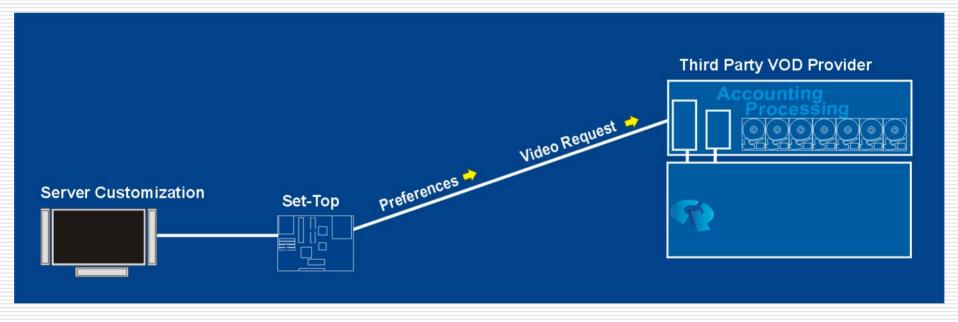
Video-On-Demand Implementations



The user selected video is played in a conventional non-edited manner and depicts possibly objectionable content such as explicit and graphic violence.

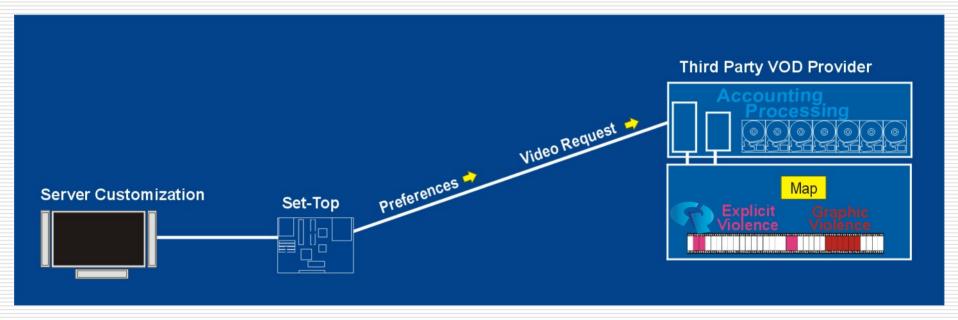


Video-On-Demand Implementations



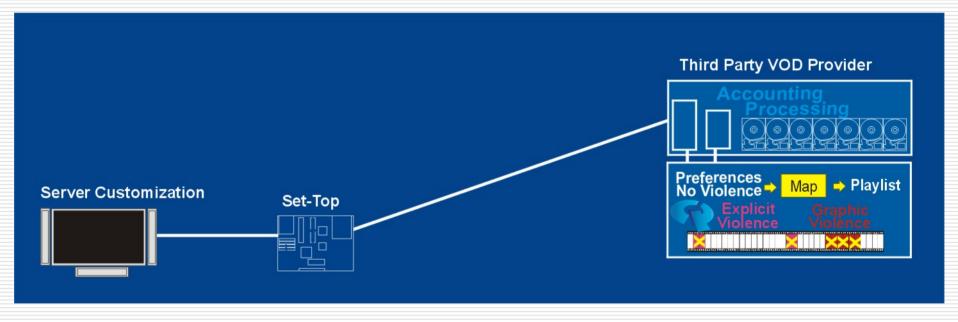
In a CustomPlay enhanced Video-On-Demand configuration with a set-top with minimal capabilities, the user video selection and content preferences are communicated to the VOD provider.





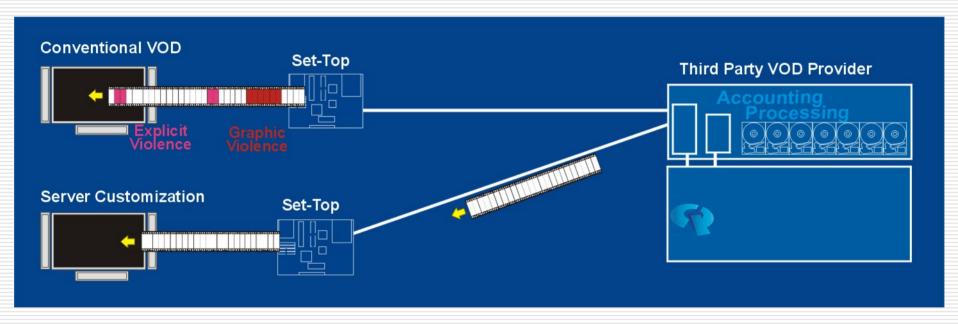
The requested video has a map that identifies possibly objectionable content such as explicit and graphic violence.





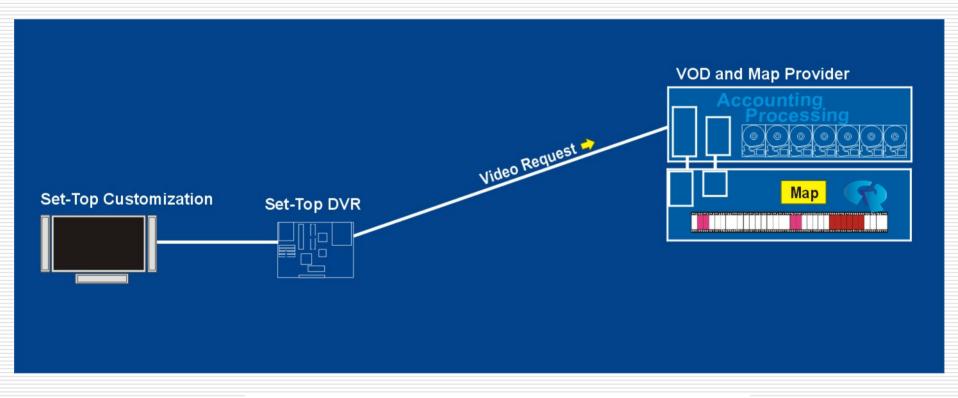
The server applies the user's content preferences to the map of the video to transmit a presentation that is consistent with the user's content preferences.





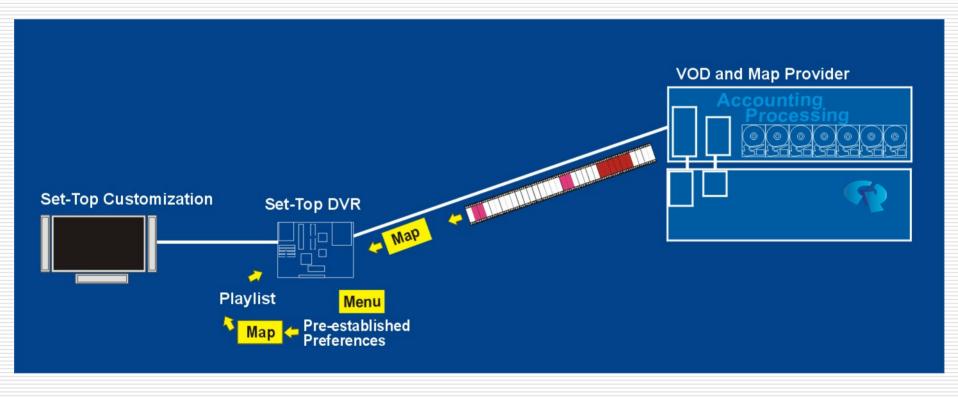
Unlike in a conventional non-customized VOD transmission, in a CustomPlay enhanced transmission, the presentation skips content the viewer would deem objectionable.





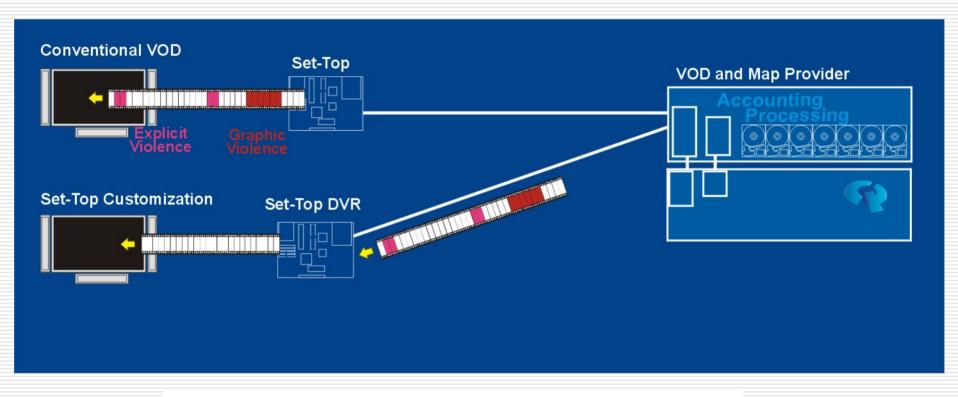
In a VOD implementation comprising a set-top with DVR capabilities, and in response to a request for a video, a map and the entire video may be transmitted to the set-top.





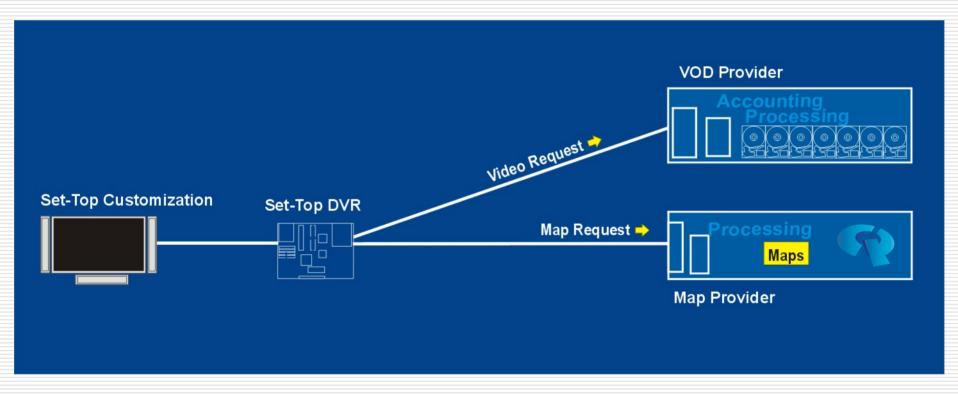
The set-top applies a user's content preferences to the map of the video to play a presentation that is consistent with the user's content preferences.





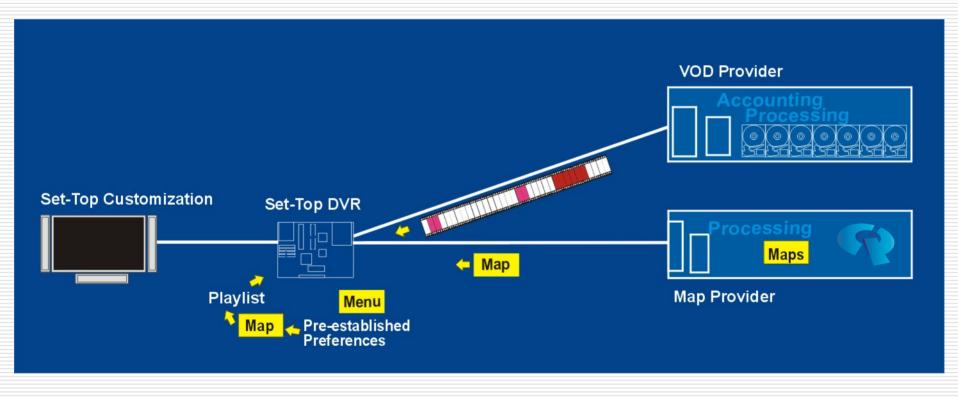
Unlike in a conventional non-customized VOD transmission, a CustomPlay enhanced set-top box with DVR capabilities enables playing a presentation that skips content the viewer would deem objectionable.





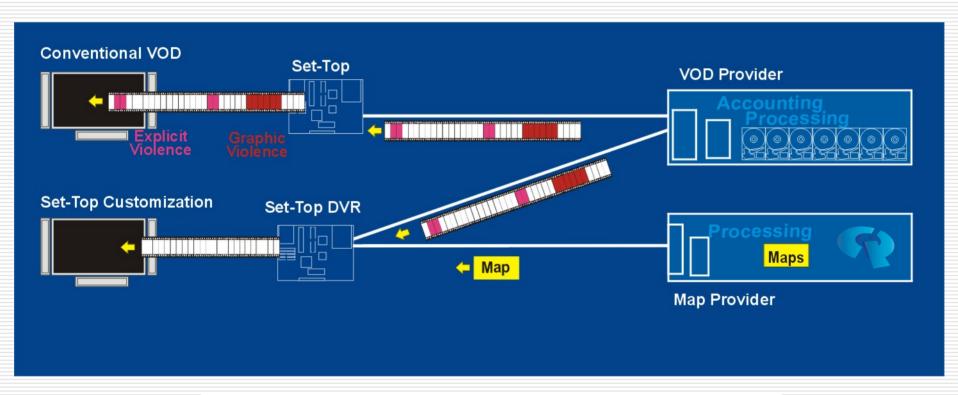
In an alternative Video-On-Demand implementation, the user video request is communicated to the VOD provider in a conventional manner, and the map is requested from a source other than the VOD provider.





The set-top receives the map and the video, and applies a user's content preferences to the map to play a presentation that is consistent with the user's content preferences.





Unlike in a conventional non-customized VOD transmission, a CustomPlay enhanced set-top box with DVR capabilities enables playing a presentation that skips content the viewer would deem objectionable.



Other Implementations



CustomPlay's content customization may be provided in a variety of other configurations, DVR and set-top box capabilities, and methodologies to accommodate other implementation requirements. The particular configurations and steps previously shown are illustrative.



CustomPlay's content customization is consistent with the U.S. Government's interest in the implementation of advanced parental control technologies, and is protected by the **Family Entertainment and Copyright Act of 2005**.

The act established that making imperceptible limited portions of a video do not violate copyrights.

Content Customization does not violate copyrights.



Child Safe Viewing Act of 2007 Adopted December 2, 2008

SEC. 2. EXAMINATION OF ADVANCED BLOCKING TECHNOLOGIES AND EXISTING PARENTAL EMPOWERMENT TOOLS.

- (a) INQUIRY REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a notice of inquiry to consider measures to examine—
- (1) the existence and availability of advanced blocking technologies that are compatible with various communications devices or platforms;
- (2) methods of encouraging the development, deployment, and use of such technology by parents that **do not affect the packaging or pricing of a content provider's offering**; and
- (3) the existence, availability, and use of parental empowerment tools and initiatives already in the market.



Child Safe Viewing Act of 2007 Adopted December 2, 2008

- (b) CONTENT OF PROCEEDING.—In conducting the inquiry required under subsection (a), the Commission shall consider advanced blocking technologies that—
- (1) may be appropriate across a wide variety of distribution platforms, including wired, wireless, and Internet platforms;
- (2) may be appropriate across a wide variety of devices capable of transmitting or receiving video or audio programming, including television sets, DVD players, VCRs, cable set top boxes, satellite receivers, and wireless devices;
- (3) can filter language based upon information in closed captioning;
- (4) **operate independently of ratings** pre-assigned by the creator of such video or audio programming; and
- (5) may be effective in enhancing the ability of a parent to protect his or her child from indecent or objectionable programming, as determined by such parent.



FCC Notice Of Inquiry - Implementation of the Child Safe Viewing Act; Examination of Parental Control Technologies for Video or Audio Programming. March 2, 2009

specification.

CustomPlay:

is the most efficient and effective content customization technology;
enables a parent to protect his or her child from indecent or objectionable programming, as determined by such parent;
accurately skips or mutes objectionable language;
does not affect the packaging or pricing of a content provider's offering;
operates independently of the content provider;
is appropriate across a wide variety of devices and platforms;
operates independently of ratings; and
is responsive to a detailed written objectionable content



CustomPlay believes that it is in the public interest that a standard for content customization be adopted, and that the standard be responsive to a detailed written Objectionable Content Mapping Specification.

CustomPlay and its parent Nissim Corp. have spent considerable resources to advance a standard for content customization.



CustomPlay IP:

- Map Copyrights.
- Objectionable Content Mapping Specifications.
- Mapping Software.
- □ Player, Set-Top, and Server Software.
- ☐ Issued U.S. Patents and Pending U.S. Patent Applications.
- □ Trademark.
- Website.



CustomPlay's parent Nissim Corp. is the owner of extraordinarily valuable portfolio of Unites Sates Patents that have been widely recognized by the consumer electronic industry as essential to the implementation of the DVD Specifications.

Nissim's licensees include virtually all significant manufacturers of devices capable of playing DVDs.























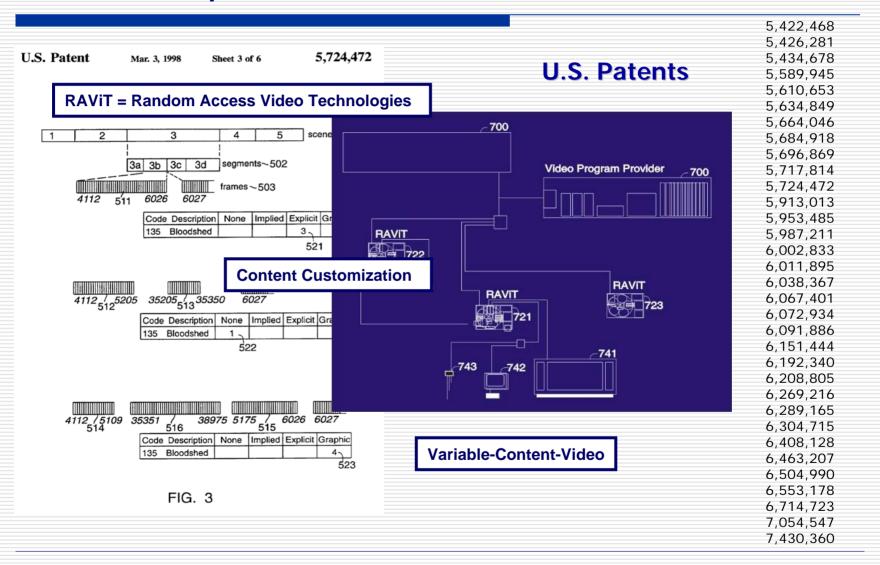














Content Customization U.S. Patents Include

5,434,678 5,589,945 5,643,849 5,664,046 5,696,869 5,714,814 5,724,472 5,913,013 6,038,367 6,067,401 6,072,934 6,091,886 6,151,444 6,269,216 6,463,207



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